

**REMARKS**

This is a timely reply to the Office Action of February 9, 2004. In the Office Action, the Examiner stated that claims 8-14 and 16-24 are allowed. The Applicants thank the Examiner for his consideration and allowance of these claims. In the Office Action, the Examiner has rejected Claims 1, 3-6 and 15 under 35 USC 102(b). Specifically, the Examiner asserts that German Patent DE 4105742 anticipates the claims of the present application. The grounds for rejection are traversed below.

**Claim Rejections – 35 U.S.C. §102**

In the Office Action, the Examiner rejected claims 1, 3-6 and 15 under 35 U.S.C. 102 (b) as being anticipated by the German Patent No. DE 4150742, herein referred to as “the German Patent.” The Examiner rejected Claims 1, 3-6 and 15 under 35 USC 102(b) as anticipated by the German Patent. The Examiner stated that the German Patent discloses a 2,6-difluorotolan represented by formula I, which is useful as component of liquid crystal mixture, referring to the abstract and compounds on page 17, lines 7-23. The Examiner also stated that the German Patent teaches that the group Rn can be an alkenyl group. The Examiner further provided that where the Rn group is an alkenyl group, X is a trifluoromethoxy with  $Z_1 = Z_2 = F$  and Rn = alkyl or alkoxy. The Examiner concluded that the German Patent anticipates the claimed compound. The Applicants thank the Examiner for his comments, and hereby submit amended claims in accordance with the comments above.

Claims 1 and 15 have been amended to remove  $OCF_3$  (trifluoromethoxy) from the group in which X is selected. The Applicants believe that the as-amended claims do not read on the German Patent, and are therefore in allowable condition. As a result of this amendment, the corresponding dependent claims no longer depend on rejected independent claims, and are also now in allowable condition.

Finally, the Examiner objected to Claim 7 as being dependent on a rejected base claim. The Applicants hereby submit an amended version of Claim 7 in accordance with the Examiner's comments. The amended Claim 7 is in independent form and includes all of the limitations of the base claim. Due to these amendments, the Applicants believe that

5 Claim 7 is now in condition for allowance.

### **Claim Amendments**

Claims 1, 7 and 15 have been amended.

10 Claims 1 and 15 have been amended to remove  $\text{OCF}_3$  (trifluoromethoxy) from the group from which X is selected.

Claim 7 has been amended and rewritten in independent form to incorporate the limitations of Claim 1.

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A new set of claims is provided in Appendix A, and indicates the changes made to the claims pursuant to 37 CFR 1.121.

**Closing Remarks:**

In view of the foregoing, it is respectfully submitted that all now pending claims 1, 3 – 6, 7, and 15 are in allowable condition. Reconsideration is respectfully requested.

- 5 Accordingly, early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

- 10 The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

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Respectfully submitted,

20 Date

7/9/09

  
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